

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-20664

FIKRI S. MAMDOUH,

Defendant.

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**ORDER SETTING BRIEFING SCHEDULE AND STAYING REMOVAL ORDER**

The court has recently entered an order denying Defendant's petition and motion in civil case number 10-12155 and closing that case.

In the order, the court indicated that Defendant is to file a § 2255 motion on his criminal docket, rather than a habeas petition under § 2241. In filing his § 2255 motion, Defendant should include all issues he intends to raise to vacate or set aside his conviction, but should particularly address questions of whether *Teague v. Lane*, 489 U.S. 288 (1989), applies to motions to set aside a conviction brought under § 2255, and if so, how *Padilla v. Kentucky*, 130 S. Ct. 1473 (2010), should be applied under that statute to the facts of this matter according to the *Teague* analysis. The Government's response should likewise thoroughly address these issues.

The court is sua sponte instituting a stay of the removal order in this case, and that stay will remain in effect until further order of the court, but will be lifted if Defendant fails to file his motion by October 4, 2010.

Accordingly, IT IS ORDERED that Defendant shall file his § 2255 motion under case number 06-20664 no later than **October 4, 2010**. The Government shall file a

response no later than **October 15, 2010**. Defendant may file a reply to the Government's response by **October 22, 2010**. All future filings regarding the § 2255 motion shall appear on criminal case docket number 06-20664.

IT IS FURTHER ORDERED that Defendant's removal order is **stayed** until further order of the court, 28 U.S.C. § 1651.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 20, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 20, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522